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WESTERN DISTRICT OF WASHINGTON DEPUTY



07-CV-00795-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN MARK CLARKE,

Petitioner,

v.

WASHINGTON STATE,

Respondent.

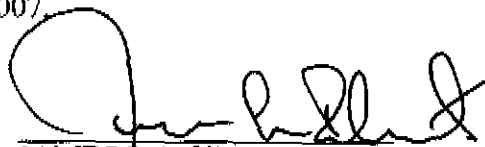
No. C07-795-JLR

ORDER DENYING
HABEAS CORPUS
PETITION

The Court, having reviewed the Petition for Writ of Habeas Corpus, Respondent's Answer, Petitioner's Reply, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, finds and Orders as follows:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's Petition for Writ of Habeas Corpus (Dkt. # 4) is DENIED for failure to exhaust state remedies and this matter is DISMISSED without prejudice;
- (3) The Clerk is directed to send copies of this Order to counsel for each party and to the Honorable Monica J. Benton.

DATED this 10th day August of, 2007.


JAMES L. ROBART
United States District Judge